

8-15-05

CC/DAC\$ #2

188.574

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
H. Engelhardt, et al.
Serial No.: 10/532,779
Filed: April 22, 2005
For: FINGER ... ENGINE

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Hedman and Costigan
1185 Avenue of the Americas
New York, NY 10036
August 12, 2005

RECEIVED
18 AUG 2005
Legal Staff
International Division

PETITION UNDER RULE 47(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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INA-Schaeffler KG hereby petitions the Commissioner of Patents and
Trademarks to accept the application under the provisions of Rule 47(a). Enclosed
herewith is a declaration executed by two of the three inventors and the third inventor has
refused to execute.

Filed herewith is a declaration executed by Matthias Becker who is an employee
of the assignee of the application in the Intellectual property department which explains
the facts. Jörg Michel, the inventor who did not execute the application had submitted an
invention disclosure relating to the invention claimed in the above application which was
accepted by the assignee in accordance with German law by a letter of September 17,
2002 (Exhibit A of the declaration).

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The application, declaration and assignment were submitted to Jörg Michel by a letter of April 20, 2005 for signature (Exhibit B) to which there was no response by Jörg Michel. A follow up letter to Jörg Michel dated June 1, 2005 (Exhibit C) requested return of the executed documents was also unanswered and to-date, there has been no response from Jörg Michel.

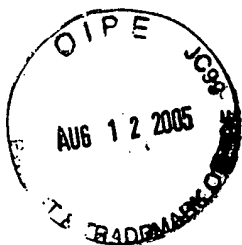
Under German law (Exhibit D), an employee must submit an invention in writing to the employer which the employer must accept in writing (Exhibit A). The assignment from the other two inventors is submitted herewith for recording with \$40 recording fee as well as the petition fee of \$130 with PTO form 2038.

Therefore, it is established that INA-Schaeffler KG is the rightful owner of the invention claimed in the above application and will lose valuable patent rights through no fault of its own if the petition is not granted. Therefore, granting of the Petition under Rule 47(a) is requested.

Respectfully submitted,
Hedman and Costigan


Charles A. Muserlian #19,683
Attorney for Applicants
Tel. 212 302 8989

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Enclosures



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Date of Deposit: August 12, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" Service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Marie-Louise Pinset
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DRAWINGS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants are submitting herewith the formal drawings for the above application.

Respectfully submitted,
Hedman and Costigan


Charles A. Muserlian #19,683
Attorney for Applicants
Tel. 212 302 8989

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